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9 Attorneys for Debtor(s)

10 U.S. BANKRUPTCY COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

12 In re:	) Case No.: 10-54931-SLJ
	)
13 SASAN AFNANI	) CHAPTER 13
	)
14 Debtor	) <b>MOTION TO VALUE COLLATERAL</b>
	) <b>FOR THE PURPOSE OF VOIDING LIEN</b>
	)
	) Date: November 18, 2010
	) Time: 2:00 p.m.
	) Location: Courtroom 3099
	) 280 S. First Street
	) San Jose, CA 95113
	) Judge: Hon. Stephen L. Johnson
	)
	)

20 COMES NOW Debtor SASAN AFNANI, by and through The Fuller Law Firm, P.C., his  
21 attorneys of record, and moves the Court to value the collateral of JP MORGAN CHASE  
22 BANK, N.A. for the purpose of voiding its lien on the Debtor's property on the basis that such  
23 lien is wholly unsecured. In support of this motion, Debtor states the following:

- 24 1. This Court has jurisdiction in this matter pursuant to 28 U.S.C. §1334(a).

1           2.       Debtor commenced Case No. 10-54931-RLE by filing a voluntary petition under  
2 Chapter 13 in the United States Bankruptcy Court for the Northern District of California, San  
3 Jose Division on May 12, 2010.

4           3.       Debtor's plan is not yet confirmed.

5           4.       Debtor is informed and believes that JP MORGAN CHASE BANK, N.A. engages  
6 in the business of home loan financing and servicing, and does business throughout the United  
7 States and in this District.

8           5.       The assets of Debtor SASAN AFNANI include real property jointly owned with  
9 wife NASIM AFNANI, commonly known as 4918 Paseo Tranquillo, San Jose, CA 95118  
10 [hereinafter "Property"]. The A.P.N. of the Property is 569-53-015. The Property is more  
11 particularly described as:  
12

13                   LOT 15, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "TRACT  
14                   NO. 6855", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE  
15                   OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE  
16                   OF CALIFORNIA, ON JUNE 26, 1980 IN BOOK 465 OF MAPS, PAGES  
17                   46 AND 47.

18           6.       On or about April 29, 2004, SASAN AFNANI executed a Note in favor of The  
19 First Federal Bank of California (hereinafter "1<sup>st</sup> Note") secured by a deed of trust (hereinafter  
20 "1<sup>st</sup> Trust Deed") recorded against the Property on May 5, 2004 as Document No. 17764332 in  
21 the Official Records of Santa Clara County. The original amount of the 1<sup>st</sup> Note in favor of The  
22 First Federal Bank of California was \$352,000.00.

23           7.       Although The First Federal Bank of California has yet to file a claim on the 1<sup>st</sup>  
24 Note, Debtor is informed by his bank statements and on that basis believes that the 1<sup>st</sup> Note had  
25 a balance, as of the filing of the petition, of approximately \$392,905.88.



1 the lien may not be avoidable if Nasim Afnani does not file such motion or if Nasim Afnani's  
2 motion is not successful.

3 WHEREFORE, Debtor SASAN AFNANI prays for an order:

- 4 1. Valuing the Property at \$373,932.00 for the purpose of this motion and valuing the  
5 collateral securing JP Morgan Chase Bank, N.A.'s lien at zero so that Debtor may, if  
6 otherwise eligible, obtain a final judgment after entry of discharge or, if no  
7 discharge, completion of the plan, consistent with the Guidelines for Valuing and  
8 Avoiding Liens in Individual Chapter 11 Cases and Chapter 13 Cases;  
9  
10 2. and for such other and further relief as is just and equitable.

11  
12  
13 Dated: October 18, 2010

Respectfully submitted,

14 THE FULLER LAW FIRM, P.C.

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16  
17 /s/ Victoria Y. Maydanik  
18 VICTORIA Y. MAYDANIK  
19 Attorney for Debtor  
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